


HODGSON RUSS
ANDREWS
WOODS &
GOODYEAR^{LLP}
ATTORNEYS AT LAW

Pamela Davis Heilman
Partner
DIRECT: 716-848-1317
pheilman@hodgsonruss.com

One M&T Plaza, Suite 2000
Buffalo, NY 14203-2391
716-856-4000
FAX: 716-849-0349

*Albany
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Palm Beach Gardens*

July 14, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
TW-A325
Washington, D.C. 20554

Dear Ms. Salas:

Re: Implementation of the Satellite Home Viewer Improvement
Act of 1999, CS Docket No. 00-96

Enclosed on behalf of SJL of California, L.P. (SJL), are an original and four copies of SJL's comments in the above referenced proceeding.

Please stamp and return to me the copy provided for that purpose. If you have any questions regarding this matter, please contact me at (716) 856-4000.

Sincerely,



Pamela Davis Heilman
Counsel to SJL of California, L.P.

/kms

Enclosure

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
|--------------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| Implementation of the Satellite Home |) | CS Docket No. 00-96 |
| Viewer Improvement Act of 1999 |) | |
| |) | |
| Broadcast Signal Carriage Issues |) | |

COMMENTS OF SJL OF CALIFORNIA, L.P.

SJL of California, L.P., licensee of KSBY(TV), San Luis Obispo, CA, through counsel, hereby offers the following comments in the above-referenced proceeding. KSBY(TV) operates in one of only a handful of markets in the nation that urgently require strong Commission action to preserve local television voices as consumers increasingly receive satellite-delivered video programming.

KSBY(TV) operates in the Santa Barbara-Santa Maria-San Luis Obispo market (the 113th DMA). This market is one of only a few television markets that: (i) are hyphenated markets with a considerable distance between stations, (ii) have geographic terrain that significantly, negatively impacts the signal quality of television stations in that market and (iii) have cable penetration of 75% or higher. As demonstrated in the attached chart, only six television markets in the United States meet all of these criteria.

Local stations in these markets are uniquely dependent upon cable carriage to reach the audience to which they bring critical local news and information. Accordingly, the Commission should require that satellite providers carry the programming of the local television broadcast stations operating in these markets throughout these markets, and that they must do so

upon the effective date of the Commission's rules in this proceeding. Such an obligation would preserve the vitality of these stations and ensure that local viewers remain able to obtain local news and public affairs programming. Further, such a requirement would be limited in scope and, because of the limited number of markets involved, would not impose any undue capacity burden on satellite-delivered multichannel video providers.

As the Commission recognizes in its Notice of Proposed Rulemaking¹ in the above-referenced proceeding, Congress intended for the Satellite Home Viewer Improvement Act of 1999 ("SHVIA") to ensure that satellite subscribers receive their local television service via satellite in as many markets as possible.² This intention is, no doubt, due to the continuing importance of the services provided by local television stations, and the dramatic growth in satellite-delivered multi-channel video.

As the Commission is aware, most local television stations are a major source of local news and information in their local communities. In addition, local television news often provides a political and editorial counterpoint to the single newspapers that serve most communities today. In addition to local news, local television stations often are an important source of support for local charities, events and cultural activities. Indeed, local television stations sponsor telethons and provide free public service announcements that raise operating funds for numerous local charities and also sponsor local community events, many of which could not take place without this direct financial support.

¹ *Implementation of the Satellite Home Viewer Improvement Act, Broadcast Signal Carriage Issues*, CS Docket No. 00-96, Notice of Proposed Rulemaking, FCC 00-195 (rel. June 9, 2000) ("NPRM").

² NPRM at ¶ 2.

Local television stations also play a critical role in local emergency services.

Local emergency organizations depend on the Broadcast Emergency Alert System as the single source of notice and information concerning local emergencies. Local television stations also provide crucial information to viewers about local fires, earthquakes, floods, tornadoes and other disasters. In addition, local television stations provide information about local traffic and other local changes that affect viewers' daily routines.

Finally, local television stations play a key role in our political system. Local television stations provide an important vehicle for political leaders from city council members to United States senators to reach their local constituencies, whether through news interviews, debates or political advertising.

Obviously, Congress and the Commission are well-attuned to the aforementioned benefits of local television stations because Congress and the Commission have taken steps to ensure that free, over-the-air broadcasting is able to survive in the face of the rise of cable television, and more recently, satellite television. However, the growth of satellite television poses a severe threat to a handful of unique television markets, where a confluence of factors means that the television stations in these markets are heavily dependent on translators and cable television systems to reach their entire market.

In these few translator and cable-dependent television markets, the increasing penetration of satellite television, while providing competition to cable, means that increasing numbers of viewers are losing their local programming because satellite television providers do not provide viewers in these small markets with the local broadcast signals historically available

to cable-served viewers. In addition, the increasing penetration of satellite television, substituting distant network signals, siphons viewers away from local network affiliates and diminishes the ability of these stations to serve their local communities. As Congress and the Commission clearly understand, if local broadcast stations are unable to survive in these smaller markets, viewers in these markets will lose access to the local news, weather and public affairs programming that only local broadcast stations provide.

Commission action is urgently needed with respect to the markets that meet the three criteria described above. Satellite television providers clearly have the legal and operational capability to retransmit the local television stations in these markets to the satellite television subscribers in these few markets. The Commission should require that satellite providers do so upon the effective date of the Commission's rules in this proceeding. Such an obligation would be limited in scope and is necessary to ensure that local television stations can survive and thrive in these special markets and can continue to provide their unique services to their viewers.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Pamela Davis Heilman", written in a cursive style.

Pamela Davis Heilman
Hodgson, Russ, Andrews, Woods &
Goodyear, LLP
One M & T Plaza, Suite 2000
Buffalo, New York 14203
(716) 856-4000
pheilman@hodgsonruss.com

Counsel to SJL of California, L.P.

The Impact Of The Satellite Home Viewer Act Rewrite On Television Stations In Small Television Markets

The following was prepared to identify: hyphenated markets with considerable distance between stations, markets with mountainous terrain, and markets with a high degree of cable penetration resulting from the aforementioned conditions.

| Cable Rank | Market Rank | %Cable Penetration | Hyphenated | Terrain |
|------------|---|--------------------|------------|---------|
| 1 | Palm Springs (160) | 89 | | |
| 2 | Honolulu (71) | 88 | | X |
| 3 | San Diego (26) | 87 | | |
| | Hartford- New Haven (27) | 87 | X | |
| 5 | West Palm Beach (44) | 84 | | |
| 6 | Santa Barbara- Santa Maria- San Luis Obispo (118) | 82 | X | X |
| | Wilkes Barre- Scranton (51) | 82 | X | X |
| | Springfield-Holyoke (104) | 82 | X | |
| 9 | Johnstown- Altoona (83) | 81 | X | X |
| | Biloxi- Gulfport (158) | 81 | X | |
| | Ft. Meyers- Naples (83) | 81 | X | |
| | Lima (201) | 81 | | |
| 13 | Lafayette (197) | 80 | | |
| | Juneau (206) | 80 | | X |
| 15 | Boston (6) | 79 | | |
| | Pittsburgh (19) | 79 | | |
| 17 | Philadelphia (4) | 78 | | |
| | Providence- New Bedford (50) | 78 | X | |
| | Bluefield- Beckley- Oak Hill (149) | 78 | X | X |
| 20 | Orlando - Daytona Beach (22) | 77 | X | |
| | Parkersburg (186) | 77 | | |
| | Utica (168) | 77 | | X |
| | Harrisburg- Lancaster- Lebanon (46) | 77 | X | X |
| | San Angelo (77) | 77 | | |
| 25 | Zanesville (202) | 76 | | |
| | Portland- Auburn (80) | 76 | X | |
| | Elmira (171) | 76 | | X |
| | Buffalo (42) | 76 | | |
| 29 | Eureka (191) | 75 | | |
| | Victoria (204) | 75 | | |
| | Binghamton (154) | 75 | | X |
| | Baton Rouge (98) | 75 | | |
| | Kingsport- Johnson City- Bristol (92) | 75 | X | X |
| | Syracuse (74) | 75 | | |
| | New Orleans (41) | 75 | | |
| | Norfolk- Portsmouth (40) | 75 | X | |

Note: The highlighted markets have all of the characteristics mentioned above.